

**New Hampshire
Department of Environmental Services
Wetlands Bureau Mitigation Program**



**2009 AQUATIC RESOURCE
MITIGATION FUNDS**

*APPLICATION AND INFORMATION PACKET
2009*



Introduction

The New Hampshire Department of Environmental Services (DES) is pleased to announce the availability of *Aquatic Resource Mitigation (ARM) Funds*. **Four** watershed accounts will be released in 2009 including the following: **Merrimack River, Winnepesaukee River, Upper Connecticut River, and the Connecticut River to Johns River to Waits River Watershed**. For illustration of the HUC 8 watersheds, visit the DES website at

http://des.nh.gov/organization/divisions/water/wetlands/wmp/documents/huc8_map.pdf

Specifically, ARM funds are available to implement programs to restore, protect, provide habitat improvements to or create wetlands and other aquatic resources. These funds are available for the purpose of replacing or protecting wetlands and other aquatic resource functions and values that were impacted by development projects in the watershed.

The evaluation criteria used to score applications have been designed to encourage projects that support the goals of the program. These goals include (1) funding projects that provide the greatest benefit in terms of replacing or protecting functions and values per mitigation funds spent; and (2) providing legal protection for resources in perpetuity, as described in the GRANIT GIS conservation lands layer. Projects that provide or enhance protection for numerous wetlands and other aquatic resources will score better. Projects in the watershed that deposited money into the fund, and the corresponding information about the wetland loss and the wetland functions and values associated with this loss, can be reviewed at

http://des.nh.gov/organization/divisions/water/wetlands/wmp/documents/watershed_ledger.pdf

If you have a wetland or other aquatic resource project in mind and would like to pursue funding from the ARM fund, this packet explains the eligibility and procedural requirements. A formal Request for Proposals will be announced when DES is ready to disburse funds in a specific watershed.

Questions and Applications can be mailed or e-mailed to:

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(603) 271-4059

When submitting an application, please provide a project narrative as described on page 5, provide maps and other supporting information as described on pages 6 & 7, and fill out the application form found on pages 8 & 9.

Application forms and general information about the DES mitigation program are available on the DES website at <http://des.nh.gov/organization/divisions/water/wetlands>

Who Can Apply

- ◆ Municipalities
- ◆ Regional Planning Commissions
- ◆ County Conservation Districts
- ◆ Watershed/River Associations
- ◆ Non-profit Organizations
- ◆ State Agencies
- ◆ Educational Institutions

Aquatic Resource Mitigation Fund Elements

To be eligible, every project must be aimed at restoring or protecting wetlands and other aquatic resource functions and values in the watershed announced in the application cycle. The following categories of project elements shall be eligible for consideration. Other categories may be considered.

1. Wetland and Other Aquatic Resource Restoration

Funds can be used for wetland or other aquatic resource restoration including the re-establishment of a filled, dredged or otherwise altered resource to its historic condition, to restore lost functions to the greatest extent practicable. This can be accomplished through the removal of fill, restoration of hydrology to the area, or by other means. The request for funds can include development of final restoration plans and the costs associated with the proposed restoration work such as site clearing and excavation, construction management, consulting fees, permit costs, grading and soil augmentation, disposal costs of excavated materials, and planting. The funds can also go towards the permanent legal protection of areas adjacent to the restored resource to insure long-term sustainability, and for subsequent monitoring and maintenance expenses that may be necessary until the site is successfully restored.

2. Land Preservation

DES recognizes the importance and the long-term benefits of protecting upland area associated with wetlands and other aquatic resources. The greater the buffer provided to the wetland or surface water, the more likely the area will continue to provide valuable functions. Requested funds can be used for land preservation, which includes the permanent protection of aquatic resources and associated upland areas using legal mechanisms so that the resource remains in a natural or undeveloped condition. Funds can be used for acquisition of conservation easements or fee simple ownership in land for protection in perpetuity. The conservation interest to be acquired must be land that is not already permanently protected and is not currently owned by the applicant. Allowable expenses include purchase of the fee or easement and associated transaction costs such as property surveys, appraisals, environmental hazard assessments, title review, closing costs, legal fees, registry fees, and subdivision fees. In addition, ARM monies may be used to establish dedicated stewardship funds to ensure the long-term management and protection of the land.

3. Aquatic Resource Improvements

A request for funds can be used for projects that produce habitat improvements so as to provide enhancement of functions within a degraded wetland or riparian system. Proposed improvements include water quality improvements, tidal flow manipulations, dam removal, stream or river restoration/enhancement activities, or habitat improvements associated with culvert replacement to restore stream continuity.

4. Wetland Creation

Funds can be used to implement projects that propose to transform upland areas to wetland areas at a site where the upland was not created by human activity such as by filling or water diversion. A request for funds may include development of final creation plans and the costs associated with the proposed work such as site clearing and excavation, construction management, consulting fees, permit costs, wetland grading and soil augmentation, disposal costs of excavated materials, and planting. The funds can also go towards acquisition of areas adjacent to the created resource to insure long-term sustainability. In addition, monitoring and maintenance of the areas can also be included in the funding request.

Project Eligibility Criteria

The applications must be for project(s) that are located in the same HUC 8 watershed as the impact areas that generated fees paid into the fund. For illustration of the HUC 8 watersheds, visit the DES website at

http://des.nh.gov/organization/divisions/water/wetlands/wmp/documents/huc8_map.pdf

The projects shall, at a minimum meet or exceed the ratios listed below relative to the wetland type(s) that were impacted by projects that paid into the fund:

Minimum Compensatory Mitigation Ratios

Resource Type	Creation	Restoration	Preservation of Upland Buffer
Bog	N/A	2:1	15:1
Tidal Wetlands	3:1	2:1	15:1
Forested	1.5:1	1.5:1	10:1
Undeveloped Tidal Buffer Zone	N/A	2:1	3:1
All Other Jurisdictional Areas	1.5:1	1:1	10:1

The evaluation of the proposed project shall be based on a review of the application by the ARM Site Selection Committee and site walks led by the Department.

The ARM Site Selection Committee shall select the highest ranked projects which meet the eligibility criteria for each application cycle. Funds that remain shall be carried over in that watershed account until the next application cycle. See DES administrative rules Env-Wt 807.17 and 807.18 for the requirements for application selection and project evaluation.

Projects will be selected based on the greatest potential to replace or protect specific wetland functions and values lost by the impacts in the watershed. DES encourages projects that provide connectivity to other protected resources or are in close proximity to the wetland impacts. In addition, the overall mitigation potential, environmental significance of the project, project cost-effectiveness and partnership potential will be assessed during the evaluation and ranking of applications.

Where project scores are comparable, preference will be given to those projects that provide long term protection of the project area and its buffer or provide long term management to ensure the greatest environmental benefit from funds available.

Funds awarded must be approved by Governor and Council before being distributed. This may take several months after the ARM Site Selection Committee selects the project(s) for funding; see Application Process and Required Documents on page 7.

Project Narrative

The application form requests submission of a narrative that answers the following questions. Your application will likely rank higher if the project narrative also includes information that addresses the applicable evaluation criteria in the DES rules found at the following:

<http://des.nh.gov/organization/commissioner/legal/rules/index.htm#wetlands>

1. What are the project's goals and how will you accomplish them? Include a description of how the project proposes to gain or protect functions and values similar to those impacted in the watershed.

Describe what the project is attempting to accomplish with respect to wetland or other aquatic resource restoration, protection, or habitat improvement. To the extent possible, include what will be achieved and how the results will be measured.

2. If the project involves preservation of uplands adjacent to aquatic resources, describe how long-term protection will be provided. Describe how the parcel provides connectivity to other protected resources and how it relates to the resources impacted within the watershed.

Include details of how permanent land conservation will be accomplished through conservation easements or fee simple acquisition. Include whether the protection of the parcel adds to existing protected resources, provides a connection between lands that are currently unconnected, is within a large contiguous block of land, or relates to existing conservation plans, etc. An application may score higher if the proposed parcel lies in close proximity to the impacts that occurred in the watershed. The DES rules that note these details are found in Env-Wt 804.

3. If the project involves manipulation of the site, describe how the construction practices will be carried out and methods to be used to stabilize the site. Include the provisions for long-term monitoring and maintenance if applicable.

Describe how the project will be carried out to achieve the project goals. Items to address include the techniques to be used, items to be removed or installed, soil and plant needs for the wetland area and buffer, and other items necessary to implement the plan. Details on the history of the site and the methodology to gain wetland functions and values should be provided. Describe the restoration/creation/habitat improvement work to be completed and the proposed plans that provide construction details, and any long-term measures necessary for the overall success of the project. In addition, describe the rationale for where and when equipment will be used to access the site and conduct work, the required maintenance and monitoring if needed, and the mechanism for insuring long-term success. The DES rules that note these details are found in Env-Wt 805.

4. What are the schedule and costs for the project?

Describe what you are going to do (project tasks), when you are going to do it, and what the end results will be. Provide a proposed budget using the sample budget format on page 9. Show the costs for each budget item to be paid by ARM funds and those supported by matching funds. While matching funds are not required to fund a project, preference may be given to projects that have leveraged matching funds. Matching funds can include in-kind services. This proposal **MUST** reflect all costs that are necessary to achieve a completed project or it is not eligible to receive funding.

Supporting Information for All Applications

Please submit the following information with the application form:

* A USGS topographic map that identifies the property(ies) that are the subject of this application for mitigation funds, and any other protected lands within the watershed and/or in the vicinity of the property. An electronic shape file with the site presented as a polygon is preferred.

* A tax map or other appropriate map, at a scale that ensures all details are legible, which identifies the property noted in the application. Provide detailed instructions on how to gain access to the property to view it.

* A property map of each parcel to be acquired with mitigation funds under this application, at a scale that ensures all details are legible, that identifies the approximate areas of wetlands, surface waters, streams, uplands, fields, forest, all structures or land alterations, utilities, wells, roads or trails, gravel pits or disturbed areas, and any easements or rights-of-way. The types of wetlands shall be provided as classified by the US Fish and Wildlife Service Manual FWS/OBS-79/31 *Classification of Wetlands and Deepwater Habitats of the United States*, Cowardin et al, 1979:

www.des.nh.gov/organization/divisions/water/wetlands/documents/cowardin.pdf.

Both the wetland and upland classification codes should be provided in accordance with the *Natural Communities of New Hampshire* found at www.nhdf.org/library/pdf/Natural_Communities2ndweb.pdf

*A functional assessment of each of the wetlands to be restored, protected, enhanced, and/or created should be provided using the *Method for Comparative Evaluation of Nontidal Wetlands in New Hampshire* (1991) (NH Method) or *Method for the Evaluation and Inventory of Vegetated Tidal Marshes in New Hampshire* (1993)(Coastal Method), as amended. The name and qualifications of the person completing this evaluation should accompany this analysis. NH Method or Coastal Method data forms should accompany this application. Should the number of wetlands on the parcel be of such number as to be cost prohibitive in performing an evaluation of wetland functions, the assessment of wetland functions and values to be replaced shall be provided and the preparer's qualifications and methodology for determination shall be noted with the application form. Preference will be given to those projects for which a detailed wetland evaluation has been completed by a qualified wetland professional. A summary table of the wetlands on site and the functions and values associated with each wetland shall be included with this application package.

*A map of the soil types on the project site at the greatest detail available. If no other is available, an U.S Department of Agriculture, Natural Resource Conservation Service (NRCS) map may be prepared using the Web Site Soil Survey at <http://soildatamart.nrcs.usda.gov/>

* A summary of known or potential contaminant sources as identified in the NHDES GIS "One-Stop"program (see <http://des.nh.gov/onestop/index.htm>)

* A brief description of the proposed management or stewardship plan for the property.

* Any additional information as noted in DES administrative rules, Env-Wt 807.17 and 807.18.

For restoration, creation, or habitat improvement proposals, submit the documentation as follows:

1. A signed and dated statement from a New Hampshire state natural resource protection or management agency, the U.S. Environmental Protection Agency, the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, or the NRCS, endorsing the project or committing to provide technical support for the work or financial support for the project;
2. Information on how the property will be acquired or written permission signed by the landowner and notarized giving the applicant permission to perform the proposed work;
3. Information on the necessary local, state, and federal authorizations or permits to be applied for or acquired to conduct the wetland restoration/creation/habitat improvement work.

For land protection proposals, submit the documentation as follows:

1. Confirmation that the applicant is a political subdivision, a governmental agency, or a non-profit, 501(c)(3) organization having land conservation as a principal element of its mission, or a signed and dated statement from such an entity stating the willingness of the entity to negotiate the proposed acquisition.
2. A written acknowledgement signed by the landowner, stating that the landowner is aware of this Aquatic Resources Mitigation proposal and approves of its submission. If the applicant has a signed Purchase and Sales Agreement or other legally binding contract to acquire a legal interest in the property, that document may serve in place of the landowner acknowledgement.
3. Documentation of how the applicant determined the market value of the legal interest (fee simple or conservation easement) to be acquired. If a fair market value appraisal prepared by certified appraiser does not already exist for the property, then: a) the applicant should provide a brief explanation of how the purchase price for the fee or easement was determined for the purposes of the budget contained in this proposal; and b) the applicant shall obtain an appraisal after the applicant receives notification from DES that the applicant's application for funding has been selected and prior to the funding being provided.

Application Process and Required Documents

Once applications are received, they are evaluated by the DES Wetland Mitigation Coordinator for eligibility and then ranked according to set criteria (see evaluation criteria in the DES rules, Env-Wt 807.17) by the ARM Site Selection Committee. Once the projects are chosen, the Site Selection Committee decisions are forwarded to the Wetlands Council for approval. Upon approval by the Wetland Council, the applicant shall be contacted with a letter of approval and agreement documents required for final approval. For those projects that are not selected for funding, a letter will be sent to the applicant.

Once projects are chosen for funding, grant recipients must enter into an ARM Fund Agreement with the State of New Hampshire to receive funds and provide final documentation and agreements provided by the Department.

The ARM Fund Agreement documents should be reviewed by the applicant that has been awarded funding. If acceptable then the agreement form must be signed and notarized and returned to DES along with:

- “Certificate of Authority”: (Provided by applicant) This document must be signed and notarized. (Note: The Certificate of Authority indicates that the person signing the Grant Agreement has authority to do so).
- “Certificate of Good Standing” from the N.H. Secretary of State. Requested by DES if needed. Does not apply to municipalities or governmental subdivisions. This form indicates that a non-profit organization has filed its Articles of Agreement with the Secretary of State and that the organization has paid the \$25 fee to do so. If an organization has not registered with the Secretary of State, this process may be delayed.
- Certificate of Insurance: Indicates that the Grant Recipient has the required amount of liability insurance (\$2,000,000 for bodily injury; \$500,000 property damage). The insurance requirement can be waived for projects that do not involve construction, or if construction is provided by an insured sub-contractor.

Once DES receives the documents, it will go through the Governor and Council process for final approval. Construction projects will also need to go through an Intergovernmental Review Process. This can take up to 2 months. Once the agreement is approved, a copy will be sent to the applicant and the project may begin.

**New Hampshire Department of Environmental Services
2009 Aquatic Resource Mitigation Funds
Application Form**

Project Title: _____

Applicant/Organization: _____

Contact Person: _____

Address: _____

Telephone: (day) _____ (evening) _____

(fax) _____ (E-mail address) _____

Project Location Town(s): _____

Grant Amount Requested: \$ _____

Amount of Matching Funds: \$ _____

Total Project Cost: \$ _____

Please provide a brief description of your project (no more than 100 words).

Please attach the project narrative answering the questions posed in the application packet, and attach any supporting information as indicated on page 6 such as maps, sketches, photos, designs, and/or graphics as appropriate.

Sample Budget Format

BUDGET ITEM	A QUANTI TY	B RATE	C TOTAL (AXB)	D GRANT (C-E)	E MATCH (Identify amount & source)
LABOR					
MATERIALS/ EQUIPMENT					
SALARY/BENEFIT					
CONTRACTED SERVICES - provide itemized list					
SUPPLIES					
OVERHEAD - specify					
OTHER - explain					
TOTALS					

The budget should also be broken down by Task. Please use the table below to list the general project tasks and the cost breakdown for each task. The information will be reviewed to determine if all project components have been included and the project is well thought out. It will not be used as a final budget for funding.

<i>Task (provide description)</i>	<i>Funds provided by Grant</i>	<i>Matching Contribution</i>	<i>Total cost of task</i>
Task 1:	\$	\$	\$
Task 2:	\$	\$	\$
Task 3:	\$	\$	\$
Total	\$	\$	\$